HOUSE DOCKET, NO. 4021 FILED ON: 2/26/2009

# **HOUSE . . . . . . . . . . . . . . . No. 635**

The Co	nmonwealth of Massachusetts
	PRESENTED BY:  Jennifer Benson
Court assembled: The undersigned legislators and	representatives of the Commonwealth of Massachusetts in General  for citizens respectfully petition for the passage of the accompanying bills shanges to the charter of the town of Lypenhurg.
An Act relative to	changes to the charter of the town of Lunenburg.  PETITION OF:
NAME: Jennifer Benson	DISTRICT/ADDRESS: 37th Middlesex

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

## AN ACT RELATIVE TO CHANGES TO THE CHARTER OF THE TOWN OF LUNENBURG.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

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SECTION 1. The charter of the town of Lunenburg, adopted by the voters of the town in 1999 and filed in the office of the archivist of the commonwealth as provided in section 12 of 2 chapter 43B of the General Laws, is hereby amended by striking out the text in its entirety and 3 4 inserting in place thereof the following text: CHARTER OF THE TOWN OF LUNENBURG Formatted: Font: Not Bold 6 7 ARTICLE 1. Formatted: Font: Not Bold INCORPORATION; SHORT TITLE; POWERS, 8 Formatted: Font: Not Bold 9 INCORPORATION 10 SECTION 1-1 Formatted: Font: 12 pt The inhabitants of the Ttown of Lunenburg within the corporate limits as established by law 11 Formatted: Font: Not Bold shall continue to be a body corporate and politic with perpetual succession under the name 12 13 "Town of Lunenburg". 14 SECTION 1-2 SHORT TITLE 15 Formatted: Font: 12 pt This instrument shall be known and may be cited as the Lunenburg Home Rule Charter. 16 Formatted: Font: Not Bold 17 SECTION 1-3 POWERS OF THE TOWN 18 Formatted: Font: 12 pt 19 Subject only to express limitations on the exercise of any power or function by a municipality in Formatted: Font: Not Bold 20 the constitution or laws of the Ecommonwealth, it is the intent and the purpose of the voters of Lunenburg to secure through the adoption of this charter all of the powers it is possible to secure 21 for a municipal government under the constitution and laws of the €commonwealth. 22

24   SECTION 1-4 DIVISION OF POWERS	Formatted: Font: 12 pt
The administration of all of the fiscal, prudential and municipal affairs of the town shall be vested in an executive branch headed by a board of selectmen. The legislative powers of the town shall continue to be vested in a town meeting open to all voters of the town.	Formatted: Font: Not Bold
29 SECTION 1-5 CONSTRUCTION	Formatted: Font: 12 pt
The powers of the <u>Tt</u> own of Lunenburg under this charter are to be construed liberally in its favor and the specific mention of any particular power is not intended to limit in any way the	Formatted: Font: Not Bold
general powers of the <u>t</u> Town of Lunenburg as stated in section 1-3.	
34   SECTION 1-6 INTERGOVERNMENTAL RELATIONS	Formatted: Font: 12 pt
Subject to the applicable requirements of any provision of the constitution or statutes of the	Formatted: Font: Not Bold
36 Commonwealth, the Ttown of Lunenburg may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation by contract or	
otherwise, with any one or more states or civil divisions or agencies thereof or the United States	
39 government or agency thereof. 40	
41   SECTION 1-7   DEFINITIONS	Formatted: Font: 12 pt
Unless another meaning is clearly apparent from the manner in which the word or phrase is used, the following words and phrases as used in this charter shall have the following meanings:	Formatted: Font: Not Bold
the following words and phrases as used in this charter shall have the following meanings.	
44	
45 (a) Appointing Authority - The words "appointing authority" used alone shall mean the	Formatted: Font: Not Bold
officer or multiple member body which appoints the officer, member of a multiple member body	
47 or town employee.	
48	
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49 (b) Town Manager Screening Committee - The words "town manager screening committee" 50 shall mean the body established in section 4-1. The town moderator shall serve as the chair of the	Formatted: Font: Not Bold
51 town manager screening committee.	
52	
53 (c) Charter - The word "charter" shall mean this charter and any amendment to it hereafter	Formatted: Font: Not Bold
54 adopted.	
55	
· · ·	
56 (d) Emergency - The word "emergency" shall mean a sudden, unexpected, unforeseen happening, event,, occurrence or condition which necessitates immediate action or response.	Formatted: Font: Not Bold
nappoining, event,, occurrence of condition which necessitates infinediate action of response.	
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59 (e) Full Multiple Member Body - The words "full multiple member body" shall mean the	Formatted: Font: Not Bold
entire authorized complement of the board of selectmen, the, school committee or other multiple	
61 member body notwithstanding any vacancy which might exist.	
62	
63 (f) general laws - The words "general laws" (all lower case letters) shall mean laws enacted	Formatted: Font: Not Bold
by the state legislature which apply alike to all cities and towns, to all cities, or to a class of two	
or more towns and or cities and towns of which Lunenburg is a member.	
66	
67 (g) General Laws - The words "General Laws" (initial letter of each word in upper case	Formatted: Font: Not Bold
letters) shall mean the General Laws of the Commonwealth of Massachusetts, a codification and	
69 revision of statutes enacted on December 22, 1920, and including all amendments and additions	
70 thereto subsequently adopted.	
71	
72 (h) Local Newspaper - The words "local newspaper" shall mean a newspaper of general	Formatted: Font: Not Bold
73 circulation within Lunenburg, with either a weekly or daily circulation.	Formatted. Forth. Not Bold
74	
75 (i) Majority Vote - The words "majority vote" when used in connection with a meeting of a	Formatted: Font: Not Bold
76 multiple member body shall mean a majority of those present and voting, unless another	
provision is made by by-law, by law, or by its own rules.	Formatted: Font: Not Bold
78	
79 (j) Multiple Member Body - The words "multiple member body" shall mean any board,	Formatted: Font: Not Bold
80 commission, committee, sub-committee or other body consisting of two2 or more persons	
whether elected, appointed or otherwise constituted, but not including the board of selectmen or	
82 the school committee.	
83	
84 (k) Quorum - The word "quorum" shall mean a majority of all members of a multiple	Formatted: Font: Not Bold
member body unless some other number is required by law or by by-law.	
86	
87 (l) Town The word "town" shall mean the town of Lunenburg.	Formatted: Font: Not Bold
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89 (m) Town Agency - The words "town agency" shall mean any multiple member body, any department, division, or office of the town of Lunenburg.	Formatted: Font: Not Bold
91	
92 (n) Town Bulletin Boards- The words "town bulletin boards" shall mean the bulletin board in the town hall on which the town clerk posts official notices of meetings and upon which other official town notices are posted, and the bulletin boards at any other locations as may be designated town bulletin boards by the board of selectmen.	Formatted: Font: Not Bold
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97 (o) Town Officer - The words "town officer" when used without further qualification or description, shall mean a person having charge of an office or department of the town who in the exercise of the powers or duties of such position exercises some portion of the sovereign power of the town.	Formatted: Font: Not Bold
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102 (p) Voters - The word "voters" shall mean registered voters of the town of Lunenburg.	 Formatted: Font: Not Bold
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104 ARTICLE 2	 Formatted: Font: 12 pt, Not Bold
105 LEGISLATIVE BRANCH	Formatted: Font: Not Bold
106	Formatted: Font: Not Bold
107   SECTION 2-1 TOWN MEETING	 Formatted: Font: 12 pt
The legislative powers of the town shall be exercised by a town meeting open to all voters.	Formatted: Font: Not Bold
110   SECTION 2-2 PRESIDING OFFICER	 Formatted: Font: 12 pt
The moderator, elected as provided in section 3-8, shall preside at all sessions of the town	Formatted: Font: Not Bold
meeting. Annually, at the first session of the spring town meeting, the moderator shall appoint a	
deputy moderator to serve as acting moderator in the event of the temporary absence or disability	
deputy moderator to serve as acting moderator in the event of the temporary absence or disability of the moderator. The appointment of a deputy moderator shall be subject to ratification by the	
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SECTION 2-3 122 COMMITTEES. Formatted: Font: 12 pt 123 (a) In General - Subject to the provisions of this charter and such by-laws or other town meeting Formatted: Font: Not Bold 124 votes regarding committees as may be provided, the moderator shall appoint for fixed terms the 125 members of such committees of the town meeting, special or standing, as may from time to time be established. In addition to such specific powers, duties and responsibilities as may be 126 provided to a town meeting committee by the by-law or vote establishing it, each such 127 128 committee, when acting within the scope of its authority, shall have a right to examine the pertinent records of any town agency and to consult, at reasonable times, with any town officer, 129 130 employee or agent. 131 132 (b) Finance Committee - Composition, Term of Office - There shall be a finance committee Formatted: Font: Italic that shall consist of seven members appointed for terms of three years each so arranged 133 134 that the terms of as nearly an equal number of members as is possible shall expire each year. The members shall be appointed by a committee consisting of: one 1 member of the board of 135 136 selectmen chosen by it, one 1 member of the school committee chosen by it and the town 137 moderator. 138 (c) Powers and Duties -139 a. The finance committee shall have the primary responsibility to report to town meeting on the proposed budget of the town manager and all warrant articles 140 having a fiscal impact on the town, as more particularly detailed in the charter, 141 142 town bylaws, and the laws of the Commonwealth; before preparing its final 143 recommendations the finance committee shall hold one or more public hearings 144 to permit public discussion on the subject matter of the articles contained in the 145 warrant. b. To fulfill its primary responsibility, the finance committee shall be involved in 146 the budget in cooperation with the town manager after it is submitted to the 147 148 finance committee and filed with the town clerk. 149 c. The finance committee shall have all other powers conferred on finance 150 committees by the laws of the <u>C</u>commonwealth. 151

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# SECTION 2-5 SPECIAL MEETINGS.

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SECTION 2-4

Special town meetings may be held at the call of the board of selectmen at such times as such board may deem necessary, or desirable, in order to transact the legislative business of the town

The annual town meeting shall be held during April or May, on a date fixed by by-law.

in an orderly manner. Special town meetings may also be held on the petition of two hundred 200

or more voters, in the manner provided by general law. The town clerk shall make forms for the

of more voters, in the manner provided by general law. The town elects shall make forms for the

calling of a special town meeting available to voters, upon request.

TIME OF MEETING

162 SECTION 2-6 WARRANTS Formatted: Font: 12 pt 163 Every town meeting shall be called by a warrant issued by the board of selectmen which shall Formatted: Font: Not Bold 164 state the time and place at which the meeting is to convene and, by separate articles, the subject matter to be acted upon. The publication of the warrant for every town meeting shall be in 165 166 accordance with a town by-law governing such matters. 167 SECTION 2-7 INITIATION OF WARRANT ARTICLES. 168 Formatted: Font: 12 pt (a) Initiation - The board of selectmen shall receive at any time all petitions addressed to it and 169 Formatted: Font: Not Bold 170 which request the submission of any matter to the town meeting and which are filed by any 10 voters for the annual town meeting and any 100 voters for a special town meeting. 171 172 173 (b) Referral - Forthwith following receipt of any proposed warrant article the board of selectmen 174 shall cause a copy of the proposal to be mailed to the residence of the chairperson of the finance 175 committee, a copy to be posted on the town bulletin board and shall cause such other distribution 176 to be made of each such proposal as may be required by law or by by-law. 177 (c) Inclusion on Warrant - The board of selectmen shall close the warrant for a regular town 178 179 meeting on the date established by by-law for such closing preceding the date on which the town 180 meeting is scheduled, by by-law, to convene. The board of selectmen shall not include in any 181 such warrant the subject matter of any petition which has been received by it after said day nor shall any matter originating with it be included after said date. 182 183 Whenever a special town meeting is to be called, the board of selectmen shall give notice by 184 185 publication in a local newspaper of its intention and shall notify all town agencies of its intention so to do. The board of selectmen shall include in the warrant for such special town meeting the 186 187 subject matter of all petitions which are received at its office on or before 5 o'clock in the 188 afternoon of the 5th business day following such publication which are in conformity with the provisions of section 2-7 (a) and which specifically request that the subject matter be included on 189 the warrant for said special town meeting. 190 191 SECTION 2-8 AVAILABILITY OF TOWN OFFICIALS AT TOWN MEETINGS. 192 Formatted: Font: 12 pt Every town officer, the chairperson of each multiple member body, the head of each department 193 Formatted: Font: Not Bold

and the head of each division within the said departments shall attend all sessions of the town

meeting at which warrant articles pertinent to their agency are or may be acted upon for the

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196 purpose of providing the town meeting with information pertinent to all such matters as appear in 197 the warrant for the town meeting. 198 199 In the event any town officer, chairperson of a multiple member body, department head or 200 division head is to be absent due to illness or other reasonable cause, such person shall designate 201 a deputy to attend to represent the office, multiple member body, department or division. If any person designated to attend the town meeting under this section is not a voter, such person shall, 202 203 notwithstanding, have a right to address the meeting for the purpose of compliance with this section unless a majority of the town meeting shall vote to deny such person this privilege. 204 205 206 SECTION 2-9 CLERK OF THE MEETING. Formatted: Font: 12 pt The town clerk shall serve as clerk of the town meeting, give notice of all adjourned sessions 207 Formatted: Font: Not Bold thereof, record its proceedings, and perform such additional duties in connection therewith as 208 209 may be provided by general law, this charter, by-law or other town meeting vote. 210 211 SECTION 2-10 RULES OF PROCEDURE Formatted: Font: 12 pt 212 The town meeting may, by by-law, establish and from time to time amend, revise or repeal rules Formatted: Font: Not Bold to govern the conduct of all town meetings. 213 214 GENERAL POWERS AND DUTIES 215 SECTION 2-11 Formatted: Font: 12 pt All powers of the town, except as otherwise provided by law or this charter, shall be vested in the 216 Formatted: Font: Not Bold town meeting. The town meeting shall provide for the exercise of all of the powers of the town 217 and for the performance of all duties and obligations imposed upon the town for which no other 218 219 provision is made in this charter, or by by-law. 220 221 222 ARTICLE 3 223 ELECTED OFFICIALS Formatted: Font: Not Bold 224 225 SECTION 3-1 GENERAL PROVISIONS Formatted: Font: 12 pt 226 (a) Elective Offices - The town offices to be filled by ballot of the whole town shall be a board of Formatted: Font: Not Bold 227 selectmen, a school committee, a board of assessors, a board of cemetery commissioners, a board 228 of health, a board of park commissioners, a planning board, a board of trustees of the public 229 library, a board of commissioners of trust funds, a town moderator, a town clerk and a board of 230 sewer commissioners. In addition, members of a housing authority and such members of regional authorities or districts as may be established by statute, interlocal agreement or otherwise shall 231 232 also be elected at town elections.

233 234 (b) Eligibility - Any voter shall be eligible to hold any elective town office; but no elected town official shall simultaneously hold any other elected town office, as defined in 3-1(a), above. 235 236 237 (c) Election - The regular elections for town office shall be held annually on such date as may 238 from time to time be fixed in the by-laws of the town. 239 240 (d) Compensation - Elected town officers shall receive such compensation for their services as 241 may be appropriated, annually, for such purpose. 242 243 (e) Coordination - Notwithstanding their election by the voters, the town officers named in this section shall be subject to the call of the board of selectmen, or of the town manager, at all 244 245 reasonable times, for consultation, conference and discussion on any matter relating to their respective offices. 246 247 248 (f) Filling of Vacancies (1) Town Officer - If there is a failure to elect, or if a vacancy occurs in the office of town clerk, Formatted: No underline 250 the board of selectmen shall, in writing, appoint some suitable person to serve until the next town 251 election. 252 (2) Multiple-Member Body - If there is a failure to elect, or if a vacancy occurs in the 253 Formatted: No underline 254 membership of any elected multiple member body, including the school committee, unless the provisions of a will or trust provide for a different method, the remaining members of the 255 256 multiple member body shall forthwith give notice of such vacancy to the board of selectmen and 257 to the public in the manner provided in section 7-10. The board of selectmen, with the remaining members of such multiple member body shall, after 1 week's notice of the date on which the vote 258 259 shall be taken, fill such vacancy, until the next town election, by a joint vote. The votes of a majority of the total number of persons entitled to vote shall be necessary for such election. 260 261 262 (3) Board of Selectmen - If there is a failure to elect, or if a vacancy occurs in the membership of Formatted: No underline the board of selectmen, the remaining members of the board of selectmen may call a special 263

264 election to fill such vacancy and shall call such special election upon the written petition of two hundred200 or more voters. 265 266 267 268 269 270 (g) Recall of Elected Officials 271 (1) Who can be Recalled - Any holder of an elective office, as defined in section 3-1(a) with Formatted: No underline 273 more than 6 months remaining of the term for which elected, may be recalled therefrom by the 274 voters as herein provided. 275 276 (2) Recall Petition - Any one hundred 100 voters may file with the town clerk an affidavit Formatted: No underline 277 containing the name of the officer sought to be recalled and a statement of the grounds for recall. 278 The town clerk shall thereupon deliver to said voters making the affidavit copies of petition 279 blanks demanding such recall, printed forms of which shall be kept available. When issued the 280 blanks shall contain the signature and official seal of the town clerk and may be completed by 281 printing or by typewriting. They shall be dated, shall be addressed to the board of selectmen and shall contain the names of all persons to whom they are issued, the name of the person whose 282 recall is sought, the grounds for recall as stated in the affidavit and shall demand the election of a 283 284 successor in the said office. A copy of the petition shall be entered in a record book to be kept in 285 the office of town clerk. The recall petition shall be returned and filed with the town clerk within twenty five 25 days after the filing of the affidavit and shall have been signed by at least 286 twenty20 per cent of the voters who shall add to their signatures the street and number, if any, of 287 288 their residences. 289 The town clerk shall, within twenty four 24 hours of receipt, submit the petition to the registrars 290 291 of voters in the town, and the registrars shall forthwith certify thereon the number of signatures, 292 which are names of voters. 293 (3) Selectmen's Action on Receiving Petition - If the petition shall be found and certified by the 294 Formatted: No underline registrars of voters to be sufficient they shall submit the same with their certificate to the 295

296 selectmen without delay, and the selectmen shall, forthwith, give written notice of the receipt of 297 the certificate to the officer sought to be recalled and shall, if the officer does not resign within five 5 days thereafter, order an election to be held on a date fixed by them not more than sixty 60 298 days after the date of the registrars' certificate that a sufficient petition be filed; provided, 299 however, that if any other town election is to occur within ninety90 days after the date of the 300 301 certificate, the selectmen shall postpone the holding of the recall election to the date of such 302 other election. If a vacancy occurs in said office after a recall election has been ordered, the 303 election shall nevertheless proceed as provided in this section. 304 305 (4) Nomination of Candidates - An officer whose recall is sought may not be a candidate to Formatted: No underline succeed to the office if the vote on the recall is in the affirmative. The nomination of other 306 candidates, the publication of the warrant for the recall election, and the conduct of the same, 307 308 shall all be in accordance with the provisions of law relating to elections, unless otherwise provided in this section. 309 310 311 (5) Incumbent Holds Office Until Election - The incumbent shall continue to perform the duties Formatted: No underline 312 of the office until the recall election. If not then recalled such person shall continue in office for 313 the remainder of the unexpired term, subject to recall as before, except as provided in this section. If then recalled in the recall election such person shall be deemed removed upon the 314 315 qualification of the candidate receiving the highest number of votes at the recall election who 316 shall serve for the balance of the then unexpired term. If the successor fails to qualify within five 5 days after receiving notification of election, the incumbent shall thereupon be deemed 317 318 removed and the office vacant. 319 (6) Propositions on Ballot - Ballots used in a recall election shall submit the following 320 Formatted: No underline propositions in the order indicated: 321 322 For the recall of (name of officer) 323 Against the recall of (name of officer) 324 325 Immediately at the right of each proposition there shall be a square in which the voter, by making 326 a cross mark (X), may vote for either of the said propositions. Under the proposition shall appear 327 "candidates", the directions to voters required by section 42 of chapter 54 of the 328 General Laws, and beneath this the names of candidates nominated as hereinbefore provided. If 329 two-thirds of the votes cast upon the question of recall is in the affirmative, the candidate

330 receiving the highest number of votes shall be declared elected. If a majority of votes on the 331 question is in the negative the ballots for candidates need not be counted. 332 (7) Repeat of Recall Petition - No recall petition shall be filed against an officer within three3 333 Formatted: No underline 334 months after taking office, nor, in the case of an officer subjected to a recall election and not 335 recalled thereby, until at least three3 months after the election at which the recall was submitted 336 to the voters. 337 338 (8) Appointment of Person Recalled-No person who has been recalled from an office, or who Formatted: No underline 339 has resigned from office while recall proceedings were pending against them, shall be appointed to any town office within two2 years after such recall or such resignation. 340 341 342 SECTION 3-2 BOARD OF SELECTMEN Formatted: Font: 12 pt (a) Composition, Term of Office - There shall be a board of selectmen consisting of five 5 343 Formatted: Font: Not Bold 344 members elected for terms of three3 years each, so arranged that the term of office of as nearly an equal number of members as is possible shall expire each year. 345 346 Formatted: Font: Not Bold 347 (b) Powers and Duties in General, - The executive powers of the town shall be vested in the board of selectmen which shall be deemed to be the chief executive office of the town. The board 348 349 of selectmen shall have all of the executive powers it is possible for a board of selectmen to have and to exercise. 350 351 The board of selectmen shall serve as the chief policy making agency of the town. The board of 352 353 selectmen shall be responsible for the formulation and promulgation of policy directives and guidelines to be followed by all town agencies serving under it and, in conjunction with other 354 elected multiple member bodies to develop and promulgate policy guidelines designed to bring 355 the operation of all town agencies into harmony; provided however, nothing in this section shall 356 be construed to authorize any member of the board of selectmen, nor a majority of such 357 358 members, to become involved in the day-to-day administration of any town agency. It is the intention of this provision that the board of selectmen shall act only through the adoption of 359 broad policy guidelines that are to be implemented by officers and employees serving under it. 360 361

(c) Licensing Authority - The board of selectmen shall be a licensing board for the town and shall have the power to issue licenses as otherwise authorized by law, to make all necessary rules and regulations regarding the issuance of such licenses and to attach conditions and to impose restrictions on any such license as it may issue as it deems to be in the public interest, and to enforce all laws relating to all businesses for which it issues any license.

(d) Appointments - The board of selectmen shall appoint a town accountant, constables, the town counsel, the members of the board of appeals, the conservation commission, the historical commission, the personnel board, the registrars of voters and other election officers, the members of the council on aging\_-(as provided by by-law) and a director of said council, and the members of other multiple member bodies the functions of which do not involve direct operating responsibilities, but, which are, primarily, policymaking or advisory in nature. Unless some other provision is expressly made by law, the board of selectmen shall also appoint other individuals who are to serve as representatives of the town to the governing or advisory bodies of area, regional or district authorities.

The appointment of a police chief, fire chief, DPW director, building inspector, inspector of wires or plumbing inspector by the town manager shall become effective on the <a href="fifteen15">fifteen15</a>th day following the day on which notice of the appointment is filed with the board of selectmen, unless the board of selectmen shall, within that period, by a majority of all its members, vote to reject such appointment, or has sooner voted to affirm it.

 (e) Investigations - The board of selectmen may make investigations and may authorize the town manager to investigate the affairs of the town and the conduct of any town agency including any doubtful claims against the town. The report of the results of such investigation shall be placed on file in the office of the board of selectmen and a report summarizing the results of such investigation shall be printed in the next annual town report.

# SECTION 3-3 SCHOOL COMMITTEE

(a) Composition, Term of Office - There shall be a school committee consisting of <u>five5</u> members elected for terms of <u>three3</u> years each, so arranged that the term of office of as nearly an equal number of members as is possible shall expire each year.

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(b) Powers and Duties - The school committee shall have all powers which are conferred on school committees by general laws and such additional powers and duties as may be provided by the charter, by by-law, or otherwise and not inconsistent with said grant of powers conferred by general laws. The powers and duties of the school committee shall include the following:

1) To elect a superintendent of the schools who shall be charged with the day-to-day administration of the school system, subject only to policy guidelines and directives adopted by the school committee;

2) To make all reasonable rules and regulations for the management of the public school system and for conducting the business of the school committee as may be deemed necessary or desirable;

3) To adopt and administer an annual operating budget for the school department, subject to appropriation by the town meeting.

The school committee shall have general charge and superintendence of all school buildings and grounds and shall furnish all school buildings with proper fixtures, furniture and equipment. The school committee shall provide ordinary maintenance of all school buildings and grounds; provided, however, the town meeting may, by by-law, provide for the establishment of a central municipal maintenance department which may include maintenance of school buildings and grounds. Whenever the school committee shall determine that additional classrooms are necessary to meet the educational needs of the community, at least 1 member of the school committee, or a designee of the school committee, shall serve on the agency, board or committee to which the planning or construction of such new, remodeled or renovated school building is delegated.

- SECTION 3-4 BOARD OF ASSESSORS
- 423 (a) Composition, Term of Office There shall be a board of assessors consisting of three 3 members elected for terms of three 3 years each, so arranged that the term of office of one 1 member shall expire each year.

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such valuations and such sums as may be authorized to be expended by town meeting and 429 consideration of other income and expenses of the town, annually, the rate of taxation to apply 430 against property in the town. The board of assessors shall have such other powers— and duties 431 432 which are given to boards of assessors by general law, this charter, town by-law or other vote of 433 the town meeting. 434 435 (c) Appointments – The appointment of a principal assessor by the town manager shall become 436 effective on the fifteen 15th day following the day on which notice of the appointment is filed 437 with the board of assessors, unless the board of assessors shall, within that period, by a majority of all its members vote to reject such appointment, or has sooner voted to affirm it. 438 439 SECTION 3-5 440 CEMETERY COMMISSION Formatted: Font: 12 pt (a) Composition, Term of Office - There shall be a board of cemetery commissioners consisting 441 Formatted: Font: Not Bold of three 3 members elected for terms of three 3 years each, so arranged that the term of office of 1 442 443 member shall expire each year. 444 (b) Powers and Duties - The board of cemetery commissioners shall have the responsibility to 445 446 make regulations governing the care, superintendence and management of all public burial grounds in Lunenburg and to layout existing public burial grounds and may lot out in lots or 447 other suitable subdivision with proper paths, lanes and ways appropriate for burial use any other 448 449 land acquired by the town for burial purposes. The day-to-day care and maintenance of the 450 cemeteries shall be under the supervision of the town manager. 451 SECTION 3-6 BOARD OF HEALTH 452 Formatted: Font: 12 pt (a) Composition, Term of Office – There shall be a board of health consisting of five members 453 Formatted: Font: Not Bold elected for terms of three3 years each so arranged that the terms of as nearly an equal number of 454 members as is possible shall expire each year. 455 456 457 (b) Powers and Duties - The board of health shall be responsible for the formulation and enforcement of local rules and regulations affecting the environment and the public health and

(b) Powers and Duties - The board of assessors shall annually make a-fair cash valuation of all

the estate, real and personal, subject to taxation within the town. It shall determine, based on

for the enforcement within the town of all state statutes and the provisions of the so-called, code

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of Massachusetts regulations, affecting the public health. The board of health shall have all of the 460 other powers, duties and responsibilities given to boards of health by general laws. 461 462 SECTION 3-7 BOARD OF LIBRARY TRUSTEES. 463 (a) Composition, Term of Office - There shall be a board of trustees of the public library 464 consisting of seven members, elected for terms of three years each, so arranged that the terms 465 of as nearly an equal number of members as is possible shall expire each year. 466 467 (b) Powers and Duties - The board of trustees of the public library shall have the custody and 468 management of the library and reading rooms and of all property of the town devoted to library 469 purposes. All funds raised or appropriated by the town for the support and maintenance of the 470 471 library shall be expended under the direction of said board. All funds which the town may 472 receive by gift, by bequest, or otherwise for library purposes, shall be administered under the 473 direction of said board in accordance with the terms of such gift, bequest or otherwise. 474 The board of trustees of the public library shall, subject to appropriation, have the following 475 specific powers and duties: 476 477 478 1) To appoint a director of library services who shall be charged with the day to day 479 administration of the library system, subject to policy directives established by the trustees; 480 2) To appoint all other officers and employees connected with the library system and within the 481 482 limits established by collective bargaining agreements, the town personnel by-law or otherwise, to fix their salaries, define their duties, make rules concerning their tenure of office and to 483 discharge them; and 484 485 3) To make all reasonable rules and regulations for the operation and management of the library 486 system and for the conduct of its own business and affairs as may be deemed necessary. 487 488 The board of trustees of the public library shall, in all matters of general municipal policy and 489 490 procedure, be subject to policy directives designed to achieve uniformity and better administrative control as may from time to time be established by the town manager. 491

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Responsibility for the ordinary maintenance of library buildings and property may be transferred 492 493 to a central municipal maintenance department by town meeting vote. 494 495 The board of trustees of the public library shall have all of the other powers and duties which are given to library trustees by general law, this charter, by-law or other vote of the town meeting. 496 497 498 SECTION 3-8 TOWN MODERATOR Formatted: Font: 12 pt 499 (a) Term of Office - At each town election at which the term of office expires, or when a vacancy Formatted: Font: Not Bold exists, a town moderator shall be elected for a term of three3 years. 500 501 (b) Powers and Duties - The town moderator shall be the presiding officer of the town meeting, 502 503 shall regulate its proceedings, decide all questions of order and shall have such other powers and 504 duties as may be provided for that office by general law, this charter, by-law and other vote of 505 the town meeting. 506 (c) Vacancy – In the event of a vacancy in the office of town moderator, the deputy moderator, as 507 508 designated in Section 2-2, shall perform the powers and duties of the moderator until the 509 election of a successor. 510 511 SECTION 3-9 BOARD OF PARK COMMISSIONERS. Formatted: Font: 12 pt (a) Composition, Term of Office - There shall be a board of park commissioners consisting of 512 Formatted: Font: Not Bold 513 three3 members who shall be elected for terms of three3 years each, so arranged that the term of one1 member shall expire each year. 514 515 (b) Powers and Duties - The board of park commissioners may lay out and improve public parks, 516 517 make rules for their use and government, appoint all necessary engineers, surveyors, clerks and 518 other officers, including a police force to act in such parks, define their powers and duties, fix 519 their compensation and do all acts necessary for the proper execution of their powers and duties. 520 Subject to appropriation, the park commissioners may conduct park programs and recreation 521 activities at locations other than the public parks. The day-to-day care and maintenance of the 522 public parks shall be under the supervision of the town manager. 523

SECTION 3-10 PLANNING BOARD. 524 Formatted: Font: 12 pt (a) Composition, Term of Office - There shall be a planning board consisting of five members 525 Formatted: Font: Not Bold who shall be elected for terms of five5 years each, so arranged that the term of one1 member 526 527 shall expire each year. 528 (b) Powers and Duties - The planning board shall make careful studies of the resources, 529 possibilities and needs of the town and shall make plans for the development of the town. The 530 531 board shall make a comprehensive or master plan, setting forth in graphic and textual form policies to govern the future growth and development of the entire town. The board shall have 532 the power to regulate the sub-division of land within the town by the adoption of rules and 533 534 regulations governing such development and the administration of such rules and regulations. The planning board shall make recommendations to the town meeting on all matters affecting 535 land use and development, including the zoning by-law of the town. 536 537 538 (c) Appointments – The appointment of a planning director by the town manager shall become effective on the fifteen 15th day following the day on which notice of the appointment is filed 539 with the planning board, unless the planning board shall, within that period, by a majority of all 540 541 of its members vote to reject such appointment, or has sooner voted to affirm it. 542 543 The planning board shall make an annual report giving information regarding the condition of the town and any plans or proposals for its development and estimates of their costs. The 544 545 planning board shall have all of the other powers and duties planning boards are given by general 546 law, this charter, by-law or other vote of the town meeting. 547 SECTION 3-11 548 BOARD OF COMMISSIONERS OF TRUST FUNDS. Formatted: Font: 12 pt 549 (a) Composition, Term of Office - There shall be a board of commissioners of trust funds who Formatted: Font: Not Bold 550 shall be elected for terms of three 3 years each, so arranged that the terms of one 1 member shall expire each year. 551 552 553 (b) Powers and Duties - The board of commissioners of trust funds shall have the management 554 of all trust funds given or bequeathed to for the benefit of the town or the inhabitants thereof, 555 unless the donor, in making the gift or bequest, shall make some other provision for the 556 management of the fund.

The board of commissioners of trust funds shall, consistent with the terms of the trusts, manage 558 559 and control the same, and distribute the income in accordance with the terms of the respective trusts. The board of commissioners of trust funds shall keep a record of its doings and, at the 560 close of each financial year, shall make a written report to <u>Ttown Mmeeting</u> showing the total 561 amount of the funds, their investments, receipts and disbursements. 562 563 564 SECTION 3-12 TOWN CLERK Formatted: Font: Not Bold (a) Term of Office - There shall be a town clerk elected for a term of three years. 565 566 (b) Powers and Duties - The town clerk shall be the keeper of vital statistics for the town; the 567 custodian of the town seal; shall administer the oath of office to all persons, elected or appointed 568 to any town office; shall issue such licenses and permits as are required by law to be issued by 569 570 town clerks; supervise and manage the conduct of all elections and all other matters relating to 571 elections; be the clerk of the town meeting, keep its records and, in the absence of the town moderator or deputy town moderator, preside pending the election of a temporary town 572 573 moderator. The town clerk shall have such other powers and duties as are given to town clerks by general law, this charter, by-law or other vote of the town meeting. 574 575 576 SECTION 3-13 LUNENBURG HOUSING AUTHORITY Formatted: Font: Not Bold 577 (a) Composition, Term of Office - There shall be a housing authority consisting of five 5 578 members, four4 of these members shall be elected by the voters and one1 shall be appointed in the manner provided by general law. All of the members shall serve for five5-year terms, so 579 arranged that the term of office of one1 member shall expire each year. 580 581 582 (b) Powers and Duties - The housing authority shall make studies of the housing needs of the community and shall provide programs to make available housing for families of low income 583 and for elderly persons of low income. The housing authority shall have such other powers and 584 585 duties as are given to housing authorities by general laws. 586 587 Formatted: Font: Not Bold 588 589 SECTION 3-14 **BOARD OF SEWER COMMISSIONERS** 

(a) Composition, Term of Office - There shall be a board of sewer commissioners consisting of 5 members who shall be elected to terms of 3 years each, so arranged that the terms of as nearly an equal number of members as possible shall expire each year.

(b) Powers and Duties - The board of sewer commissioners shall make careful studies of the resources, possibilities and needs of the town as they relate to the availability of sanitary sewers and shall make plans for the installation of a system of sanitary sewers and for the maintenance of a sanitary sewer system. The board of sewer commissioners shall develop a comprehensive or master plan for a town-wide system of sanitary sewers, setting forth, in graphic and textual form, policies to govern the future growth and development of the entire town. The board of sewer commissioners shall, in conjunction with other land use bodies, assist in developing a long-range strategic plan for guiding town growth and development. The powers and authority of the board of sewer commissioners shall include oversight of the sewer enterprise fund, setting rates and charges for the use of the sanitary sewer system, ratification responsibility for the sewer business manager and providing advice to the board of selectmen relating to intergovernmental agreements concerning sanitary sewers. The day-to-day operation, care and maintenance of the sanitary sewers shall be under the supervision of the town manager.

 (c) Appointments – The appointment of a sewer business manager by the town manager shall become effective on the <a href="fifteen15">fifteen15</a>th day following the day on which notice of the appointment is filed with the board of sewer commissioners, unless the board of sewer commissioners shall, within that period and by a majority of all of its members, vote to reject such appointment or has sooner voted to affirm it.

616 ARTICLE 4 617 TOWN MANAGER 

619 | SECTION 4-1 APPOINTMENT; QUALIFICATION; TERM, 620 There shall be a town manager who shall be responsible for the

There shall be a town manager who shall be responsible for the coordination and direction of all administrative and financial affairs of the town.

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The town manager shall be appointed by the board of selectmen from a list submitted to it by a town manager screening committee which shall consist of <a href="mailto:one-1">one-1</a> member of the board of selectmen, designated by it, <a href="mailto:one-1">one-1</a> member of the planning board, designated by it, <a href="mailto:one-1">one-1</a> member of the finance committee designated by it and the town moderator, who shall call all meetings of the town manager screening committee and shall serve as its chair. Whenever the position of town manager shall be vacant, the town manager screening committee shall be convened and shall solicit candidates, review applications, interview and rate candidates and submit a list of qualified candidates to the board of selectmen who shall appoint a town manager only from the list so prepared and submitted to it.

 The town manager shall be a person especially fitted by education, training and previous experience in public administration and finance to perform the duties of the office. The board of selectmen shall appoint the town manager to serve for an indefinite term and shall fix the compensation for such person, annually, within the amount appropriated by the town. The town manager shall be appointed solely on the basis of demonstrated executive and administrative qualifications with special emphasis on financial matters. The board of selectmen may enter into a contract of employment with the town manager over wages, hours, benefits and other conditions of employment but no such contract shall be deemed to prevent the removal of the town manager by a majority vote of the full board of selectmen.

 The town manager need not be a resident of the town or of the commonwealth. The town manager shall not have served in an elective or appointive office in the town government for at least 12 months prior to appointment. The town may, from time to time, establish by by-law, such additional qualifications as seem necessary and appropriate.

The town manager shall devote full time to the office and shall not hold any other public office, elective or appointive, nor engage in any other business, occupation or profession during such service, unless such action is approved in advance and in writing by the board of selectmen.

The board of selectmen shall provide for an annual review of the job performance of the town manager, which shall, at least in summary form, be a public record. Any vacancy in the office of the town manager shall be filled as soon as possible by the town manager screening committee and the board of selectmen, and meanwhile the board of selectmen shall appoint a qualified town administrative officer or employee as a temporary town manager to perform the duties of the

office. Such temporary appointment may not exceed <u>three3</u> months but one additional renewal may be voted by the board of selectmen not to exceed a second <u>three3</u> months. Compensation for a temporary town manager shall be set by the board of selectmen.

## SECTION 4-2 POWERS AND DUTIES .

The town manager shall be the chief financial officer for all town agencies. The town manager shall be the chief administrative officer of the town, directly responsible to the board of selectmen for the administration of all town affairs for which the office of town manager is given responsibility by or under this charter. The powers and duties of the town manager shall include, but are not intended to be limited to, the following:

(a) To supervise, direct and be responsible for the efficient administration of all functions and
 activities for which the office of town manager is given authority, responsibility or control by
 this charter, by by-law, by town meeting vote, by vote of the board of selectmen, by vote of the
 school committee, or otherwise.

(b) To structure, supervise, direct and be responsible for the efficient coordination of all of the fiscal and financial business of the town, including the school department. In the conduct of this activity, the town manager shall be subject to the advice of the school committee in addition to the advice of the board of selectmen.

 (c) To recommend to the board of selectmen candidates to be appointed by the board of selectmen to the offices of the town treasurer and town collector, who may be the same individual; to appoint candidates to be ratified by the board of selectmen to the offices of police chief, fire chief, DPW director, building inspector, inspector of wires, and the plumbing inspector; to appoint candidates to be ratified by the board of assessors to the office of professional assessor; to appoint candidates to be ratified by the planning board to the office of planning director; and to appoint candidates to be ratified by the board of sewer commissioners for the office of sewer business manager. The provisions of this section shall apply to the appointment of any person under any other title who will perform, as the result of any reorganization of the administrative structure of the town, substantially similar duties as the officers named in this section.

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(d) To appoint, and in appropriate circumstances to remove, subject to the provisions of the civil service law and of any collective bargaining agreements as may be applicable, all department heads, officers, members of boards and commissions and employees for whom no other method of selection is provided by this charter. Such appointments shall become effective on the 15th day following the day on which notice of the appointment is filed with the board of selectmen, unless the board of selectmen shall, within that period by a majority of all of its members, vote to reject such appointment, or has sooner voted to affirm it. Copies of the notices of all such proposed appointments shall be posted on the town bulletin board when submitted to the board of selectmen.

(e) To be, in conjunction with a personnel board established by by-law, entrusted with the administration of a town personnel system, including, but not limited to personnel policies and practices, rules and regulations, including provisions for an annual employee performance review, personnel by-law and collective bargaining agreements entered into by the town. The town manager shall also prepare and keep current a plan establishing the personnel staffing requirements for each town agency, unless some other provision is made by law.

(f) To attend all regular and special meetings of the board of selectmen, unless unavailable for reasonable cause, and shall have a voice, but no vote, in all of its proceedings.

(g) To assure that full and complete records of the financial and administrative activities of the town are kept and to render as often as may be required by the board of selectmen, but not less than once in each year, a full report of all town administrative and financial operations during the period reported on, which report shall be made available to the public. At the first session of the annual town meeting, the town manager shall give an oral report summarizing the financial condition of the town and recommending strategies to be followed during said meeting to enhance the fiscal condition of the town.

(h) To keep the board of selectmen fully advised as to the needs of the town and shall recommend to the board of selectmen and to other elected town officers and agencies for adoption such measures requiring action by them or by the town meeting as the town manager may deem necessary or expedient.

(i) To have full jurisdiction over the rental and use of all town facilities and property except 724 725 property under the control of the school committee, the library trustees and the conservation commission. The town manager shall be responsible for the maintenance and repair of all town 726 buildings and facilities placed under his control by this charter, by-law, vote of the town or 727 728 otherwise. 729 730 (j) To prepare and present, in the manner provided in Aarticle 6, an annual operating budget for the town and a proposed capital outlay program for the five 5 fiscal years next ensuing. 731 732 (k) To assure that a full and complete inventory of all property of the town, both real and 733 734 personal, is kept, including all property under the jurisdiction of the school committee. 735 736 (1) To negotiate all contracts involving any subject within the jurisdiction of the office of town 737 manager, including contracts with town employees, except employees of the school department, 738 involving wages, hours and other terms and conditions of employment. 739 (m) To be the chief procurement officer of the town, responsible for procuring all services, 740 741 supplies, material and equipment for all departments and activities of the town in the manner provided in chapter thirty30-B of the General Laws and shall have all the powers given to 742 purchasing agents by section one hundred three 103 of chapter forty one 41 of the General Laws. 743 744 The town manager shall examine, or cause to be examined, the quantity, quality and condition of all supplies, material and equipment delivered to or received by any town agency. The town 745 manager shall be responsible for the disposal of all supplies, material and equipment declared 746 surplus by any town agency. 747 748 749 (n) To see that all of the provisions of the <u>gG</u>eneral <u>4L</u>aws, this charter, the town by-laws and 750 other votes of the town meeting which require enforcement by the town manager, or officers 751 subject to the direction and supervision of the town manager, are faithfully executed, performed or otherwise carried out. 752 753 (o) To inquire, at any time, into the conduct of office or performance of duties of any officer or 754 755 employee, department, board, commission or other town agency.

757 (p) To attend all sessions of all town meetings and answer all questions raised by voters which relate to warrant articles and to matters over which the town manager exercises any supervision. 758 759 (q) To reorganize, consolidate or abolish, in the manner provided in Aarticle 5, town agencies 760 serving under the supervision of the town manager, in whole or in part, provide for new town 761 762 agencies and provide for a reassignment of powers, duties and responsibilities among such 763 agencies so established or existing. 764 (r) To coordinate the activities of all town agencies serving under the office of town manager and 765 the office of board of selectmen with those under the control of other officers and multiple 766 member bodies elected directly by the voters. For this purpose, the town manager shall have 767 768 authority to require the persons so elected, or their representatives, to meet with the town manager, at reasonable times, for the purpose of effecting coordination and cooperation among 769 770 all agencies of the town. 771 (s) To prepare and maintain long-term financial forecasts, including revenue expectations, future 772 implications of operating budget program decisions and capital budget programs related to 773 774 infrastructure maintenance, improvement and expansion. 775 776 (t) To perform any other duties as are required to be performed by the town manager by town by-777 laws, the votes of the town meeting, or the votes of the board of selectmen, the appointing 778 authority, or otherwise. 779 DELEGATION OF AUTHORITY 780 SECTION 4-3 Formatted: Font: 12 pt The town manager may authorize any subordinate officer or employee to exercise any power or 781 Formatted: Font: Not Bold 782 perform any function or duty which is assigned to the office of town manager; provided, however, that all acts performed under any such delegation shall at all times be deemed to be the 783 acts of the town manager. 784 785 786 SECTION 4-4 ACTING TOWN MANAGER Formatted: Font: 12 pt (a) Temporary Absence - By letter filed with the town clerk, the town manager shall designate a 787 Formatted: Font: Not Bold

qualified town administrative officer or employee to exercise the powers and perform the duties of town manager during a temporary absence. During a temporary absence the appointing

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authority may not revoke such designation until at least ten 10 working days have elapsed, 790 791 whereupon the board of selectmen may appoint another qualified town administrative officer or employee to serve until the town manager shall return. 792 793 794 (b) Unplanned Temporary Absence - In the event of an emergency absence, the appointing authority may appoint a qualified town administrative officer or employee to serve until the town 795 796 manager shall return or the office is declared vacant. 797 798 (c) Vacancy - Any vacancy in the office of town manager shall be filled as soon as possible by 799 the appointing authority, but, pending such regular appointment, the appointing authority shall 800 appoint a qualified town administrative officer or employee to perform the duties of the office on 801 an acting basis. 802 803 **SECTION 4-5** REMOVAL AND SUSPENSION The appointing authority may, by a majority vote of the full board, terminate and remove, or 804 805 suspend, the town manager from office in accordance with the following procedure. 806 807 (a) The appointing authority shall adopt a preliminary resolution of removal by the affirmative 808 vote of a majority of all its members which must state the reason or reasons for removal. This preliminary resolution may suspend the town manager for a period not to exceed forty five45 809 days. A copy of the resolution shall be delivered to the town manager forthwith. 810 811 (b) Within five 5 days after receipt of the preliminary resolution the town manager may request a 812 public hearing by filing a written request for such hearing with the town moderator filed with the 813 town clerk. This hearing shall be held at a meeting of the appointing authority called by the town 814 815 moderator not later than thirty30 days after the request is filed nor earlier than twenty20 days. 816 The town manager may file a written statement responding to the reasons for removal stated in the resolution of removal provided the same is received by the town moderator at least forty-817 eight48 (weekday) hours in advance of the public hearing. 818 819 820 (c) The appointing authority may adopt a final resolution of removal, which may be made 821 effective immediately, by affirmative vote of a majority of all of its members at any time after 822 ten 10 days following the date of delivery of a copy of the preliminary resolution to the town

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manager, if the town manager has not requested a public hearing, or, any time after the public hearing if the town manager has requested one. The town manager shall continue to receive a salary until the effective date of a final resolution of removal. The action of the appointing authority in suspending or removing the town manager shall be final, it being the intention of this provision to vest all authority and fix all responsibility for such suspension or removal solely in the appointing authority.

# ARTICLE 5 ADMINISTRATIVE ORGANIZATION

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SECTION 5-1 ORGANIZATION OF TOWN AGENCIES.

The town manager and the town meeting shall from time to time provide for the grouping of

town agencies into convenient units for the delivery of municipal services. The organization of the town into operating agencies for the provision of services and the administration of the

government may be accomplished through either of the methods provided in this article.

(a) By-Laws - Subject only to express prohibitions in a general law or the provisions of this charter, the town meeting may, by by-law reorganize, consolidate, create, merge, divide or abolish any town agency, in whole or in part; establish such new town agencies as it deems necessary or advisable, determine the manner of selection, the term of office and prescribe the functions of all such entities; provided, however, that no function assigned by this charter to a particular town agency may be discontinued, or unless this charter specifically so provides, assigned to any other town agency.

(b) Administrative Plan - The town manager may from time to time, after consultation with the board of selectmen, prepare and submit to the town meeting plans of organization or reorganization which establish operating divisions for the orderly, efficient or convenient conduct of the business of the town.

 Whenever the town manager proposes such a plan, the board of selectmen shall hold one or more public hearings on the proposal giving notice by publication in a local newspaper, which notice shall describe the scope of the proposal and the time and place at which the hearing will be held, not less than <a href="mailto:seven7">seven7</a> nor more than <a href="mailto:fourteen14">fourteen14</a> days following said publication.

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An organization or reorganization plan shall become effective at the expiration of sixty60 days following the date the proposal is submitted to the town meeting unless the town meeting shall, by a majority vote, within such period vote to disapprove the plan. The town meeting may vote only to approve or to disapprove the plan and may not vote to amend or to alter it.

The town manager may, through the administrative plan, and subject only to express prohibitions in a general law or this charter, reorganize, consolidate or abolish any town agency, in whole or in part; establish such new town agencies as is deemed necessary to the same extent as is provided in section 5-1(a), above, for by-laws; and for such purpose may transfer the duties and powers and, so far as is consistent with the use for which the funds were voted by the town, transfer the appropriation of one town agency to another; provided, however, that no function assigned by this charter to a particular town agency may be discontinued or assigned to any other town agency unless this charter specifically so provides.

Every reorganization plan submitted by the town manager pursuant to this provision shall contain a proposed by-law which contains, in detail, such amendments, revisions, repeals or otherwise of existing ordinances as may be necessary to accomplish the desired reorganization. Such reorganization plan and proposed ordinance shall be accompanied by a message of the town manager which explains the benefits expected to ensue

## SECTION 5-2 MERIT PRINCIPLE

All appointments and promotions of town officers and employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence and suitability.

# SECTION 5-3 DEPARTMENT OF FINANCE AND FINANCIAL SERVICES.

(a) Establishment - There shall be a department of finance and financial services headed by a director of municipal finance who may be the town manager established by article 4, which shall be responsible for the management of the fiscal and financial affairs of the town and for the supervision and coordination of all activities of all town agencies in relation to any fiscal or financial matter. In the case where the director of municipal finance is not the town manager, the appointment of a director of municipal finance by the town manager shall become effective on the fifteen 15th day following the day on which notice of the appointment is filed with the board of selectmen, unless the board of selectmen shall, within that period, by a majority of all of its members vote to reject such appointment or has sooner voted to affirm it.

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893 ( <i>b</i>	Scope of Department Activities - The department of finance shall be responsible for and	Formatted: Font: Not Bold
894 sh	nall include the following functions:	
895		
896 (1	) Coordination of all financial services and activities of the town;	
897		
`	2) -Maintenance of all accounting records and other financial statements for all offices and gencies of the town;	
900		
901 (3	B) Payment of all financial obligations on behalf of the town;	
902		
903 (4	Receipt of all funds due to the town from any source;	
904		
905 (5	Maintenance of all property valuation records and systems;	
906		
	6) Rendering advice, assistance and guidance to all town offices and agencies in any matter clating to financial or fiscal affairs;	
909		
911 ag	Monitoring throughout the fiscal year of the expenditure of funds by town offices and gencies, including the periodic reporting on the status of all accounts with recommendations oncerning fiscal and financial policies to be implemented by such offices and agencies.	
913		
915 su	3) Coordination of all financial transactions associated with the procurement of all goods, applies and materials by town offices and agencies with the central procurement procedures stablished pursuant to MGL chapter 30B of the General Laws.	
917		
918 (c	e) Director of Finance and Financial Services	
	he department of financial services shall be headed by the director of municipal finance who nall serve as the chief financial officer.	

921		
922 923 924	The treasurer and collector shall have such powers and duties as may be vested in those offices expressly by general or special law, but shall otherwise report to and be under the direction and supervision of the director of municipal finance.	
925		
926	The powers and duties of said director of municipal finance shall include the following:	
927		
928	(1) Coordination, administration, and supervision of all financial services and activities;	
929		
930	(2) Assistance in all matters related to municipal financial affairs;	
931		
932 933 934 935	(3) Implementation and maintenance of uniform systems, controls, and procedures for all financial activities in all departments, including the school department, and including but not limited to: maintenance of all financial and accounting data and records;	Formatted: Font: 12 pt
936	(4) Implementation and maintenance of uniform budget guidelines and procedures;	
937		
938	(5) Assistance in development and preparation of all department budgets and spending plans;	
939		
940 941 942	(6) Review of all contracts and obligations; monitoring of the expenditure of all funds, including periodic reporting to appropriate agencies of the status of accounts; establishment of a spending plan for each department; and the allotment of funds on a periodic basis.	
943		
944 945 946	In all cases where the duty is not expressly charged to any other department or office, it shall be the duty of the chief financial officer to promote, secure, and preserve the financial interests of the town.	
947		
948 949 950	The chief financial officer shall from time to time promulgate rules and regulations governing any subject within the jurisdiction of the department of finance as are necessary to implement the provisions of this section.	

951			
952	(d) Operatin	g Divisions - The department of finance shall consist of the following divisions:	
953			
954	(1)	Division of Collections	 Formatted: No underline
955		of collections, headed by a town collector, shall collect all accounts due to the town	
956	from any sou	rce.	
957	1 (2)		
958	(2)	Division of Treasury Management	 Formatted: No underline
959 960		of treasury management, headed by a town treasurer, shall receive and take charge belonging to the town.	
961			
962			
963	(3)	Division of Accounting	 Formatted: No underline
964 965		of accounting, headed by a town accountant appointed by the board of selectmen, onsible for the following:	
966			
967	(a)	the maintenance of accounts for all financial transactions of the town;	
968	(b)	the pre-audit of all purchase orders, receipts and disbursements;	
969	(c)	the preparation of payrolls;	
970	(d)	the preparation of warrants for the payment of all bills of the town;	
971 972	(e)	the preparation of periodic reports on the status of departmental receipts and expenditures; and	
973	(f)	the maintenance of central grant and contract files;	
974			
975	(4)	Division of Assessing	 Formatted: No underline
976		g division shall be under the charge of a board of assessors elected by the voters as	
977	provided in a	rticle 3. The division of assessing shall be responsible for the following:	

978 979 (a) establish the valuation of all real and personal property; maintain records substantiating all assessments made; 980 (b) 981 (c) prepare and issue commitments for the collection of property taxes and motor vehicle excise taxes by the office of collections; 982 acting on abatement and exemption applications filed with it and representing the 983 (d) town before the Aappellate Ttax Board. 984 985 986 (5) Division of Procurement Formatted: No underline 987 The division of procurement shall be responsible for purchasing all supplies, material and 988 equipment for all offices and agencies of the town to the extent provided in section one hundred and three103 of chapter forty one41 of the gGeneral H\_aws, and for the purposes of chapter 989 990 thirty30-B of the gGeneral Laws, the town purchasing agent shall be the chief procurement 991 officer of the town. 992 SECTION 5-4 DEPARTMENT OF FIRE AND EMERGENCY SERVICES. 993 Formatted: Font: 12 pt 994 There shall be a department of fire and emergency services which shall be headed by a fire chief, Formatted: Font: Not Bold 995 who shall have full and absolute authority in the administration of the department and who shall 996 make all rules and regulations for its operation. The fire chief shall be responsive to the town manager in coordinating the operation of the fire and emergency services department with the 997 998 operation of all other town agencies. The fire chief appointed under this section shall have the 999 powers and duties of a fire chief appointed pursuant to section forty two42 of chapter forty-1000 eight48 of the General Laws. 1001 1002

1003 ARTICLE 6 Formatted: Font: Not Bold 1004 FINANCES AND FISCAL PROCEDURES Formatted: Font: Not Bold 1005 1006 SECTION 6-1 FISCAL YEAR. Formatted: Font: 12 pt The fiscal year of the town shall begin on the first day of July and shall end on the last day of 1007 Formatted: Font: Not Bold 1008 June, unless another period is required by general law. 1009 1010 SECTION 6-2 SCHOOL COMMITTEE BUDGET. Formatted: Font: 12 pt 1011 (a) Public Hearing - At least 7 days before the meeting at which the school committee is to vote Formatted: Font: Not Bold 1012 on its final budget request, the school committee shall cause to be published in a local newspaper 1013 a general summary of its proposed budget. The summary shall specifically indicate any major 1014 variations from the current budget, and the reasons for such changes. It shall further indicate the 1015 times and places at which complete copies of its proposed budget are available for examination 1016 by the public, and the date, time and place when a public hearing will be held by the school committee on the proposed budget. The school committee shall take its final vote on its proposed 1017 1018 budget not sooner than at its next regularly scheduled meeting following the public hearing. 1019 (b) Submission to Town Manager - The budget as adopted by the school committee shall be 1020 1021 submitted to the town manager in sufficient time to enable the town manager to consider the effect of the school department's requested appropriation upon the total town operating budget 1022 which is required to be submitted under this article. 1023 1024 SUBMISSION OF BUDGET AND BUDGET MESSAGE . 1025 SECTION 6-3 Formatted: Font: 12 pt Within the time fixed by by-law before the annual town meeting is to convene, the town manager 1026 Formatted: Font: Not Bold 1027 shall submit to the finance committee a proposed operating budget for the ensuing fiscal year 1028 with an accompanying budget message and supporting documents. The town manager shall 1029 simultaneously provide for the publication in a local newspaper of a general summary of the 1030 proposed budget. The summary shall specifically indicate any major variations from the current 1031 operating budget and the reason for such changes. The notice shall further indicate the times and 1032 places at which complete copies of the proposed operating budget are available for examination 1033 by the public. 1034 1035 The budget message of the town manager shall include specifically, projection of the fiscal and 1036 financial needs of the town for at least the next five fiscal years, or such longer period as may 1037 be deemed appropriate, both as to income and expenses, as well as any substantial financial 1038 expenditures contemplated by any department, committee, or board during such period,

including budget programs related to infrastructure maintenance, improvement and expansion.

The message shall also include a forecast of any fiscal trends which the town manager believes are likely to have an affect on the town's revenues or expenses.

## SECTION 6-4 BUDGET MESSAGE

The budget message of the town manager shall explain the budget for all town agencies both in fiscal terms and in terms of work programs. It shall outline proposed financial policies of the town for the ensuing fiscal year, describe important features of the budget, indicate any major variations from the current year in financial policies, expenditures and revenues together with the reasons for such changes, summarize the town's debt position and include other material as the town manager deems desirable, or the selectmen may reasonably require.

## SECTION 6-5 THE BUDGET

The proposed operating budget shall provide a complete financial plan for all town funds and activities for the ensuing fiscal year. Except as may otherwise be required by general law, or this charter, the budget shall be in the form which the town manager deems desirable or the board of selectmen may require. In the presentation of the budget, the town manager shall utilize modern concepts of fiscal presentation so as to furnish maximum information and the best financial control. The proposed budget shall show in detail all estimated income from the proposed property tax levy and other sources and all proposed expenditures, including debt service, for the following year. The proposed budget shall be arranged to show the actual and estimated income and expenditures for the previous, current and ensuing fiscal years and shall indicate in separate sections:

(a) Proposed expenditures for current operations during the ensuing fiscal year, detailed by town agency and position in terms of work programs, and the method of financing such expenditures;

(b) Proposed capital expenditures during the ensuing fiscal year, detailed by town agency, and the proposed method of financing each such capital expenditure; and

(c) Estimated surplus revenue and free cash at the end of the current fiscal year, including estimated balances in any special accounts established for specific purposes.

#### SECTION 6-6 ACTION ON THE BUDGET

(a) Public Hearing - Forthwith upon its receipt of the proposed operating budget the finance committee shall provide for the publication in a local newspaper of a notice stating the time and

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place, not less than 7 nor more than 14 days following such publication, at which it will hold a public hearing on the proposed operating budget as submitted.

(b) Review - The finance committee shall consider, in open public meetings, the detailed expenditures proposed for each town agency and may confer with representatives of each such agency in connection with its review and consideration. The finance committee may require the town manager, or any other town agency, to furnish it with such additional information as it may deem necessary to assist it in its review and consideration of the proposed operating budget.

(c) Action by Town Meeting - The finance committee shall file a report containing its recommendations for actions on the proposed operating budget, which report shall be available at least 7 days before the date on which the town meeting acts on the proposed budget. Copies of the report of the finance committee shall be available for distribution to any person requesting the same at the office of the town clerk, the office of the board of selectmen, the offices of the school administration and at the public library of the town of Lunenburg. When the budget proposed by the town manager is before the town meeting for action, it shall first be subject to amendments, if any, proposed by the finance committee before any other amendments shall be proposed.

# SECTION 6-7 CAPITAL IMPROVEMENTS PROGRAM

The town manager shall submit a capital improvement program to the board of selectmen and the finance committee at least 150 days before the start of each fiscal year. It shall be based on material prepared by the capital planning committee established by by-law, including:

- (a) a clear concise general summary of its contents;
- (b) a list of all capital improvements proposed to be undertaken during the next ensuing 5 years, with supporting information as to the needs of each capital improvement;
- (c) cost estimates, methods of financing and recommended time schedules for each improvement; and  $_{7}$
- (d) the estimated annual cost of operating and maintaining each facility and piece of major equipment involved. This information is to be annually revised by the town manager with regard to the capital improvements still pending or in the process of being acquired, improved or constructed.

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1110	ARTICLE 7	Formatted: Font: Not Bold
1111	GENERAL PROVISIONS	Formatted: Font: Not Bold
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1113	SECTION 7-1 ELECTIONS	Formatted: Font: 12 pt
1114	The articles in the warrant for any town meeting insofar as they relate to the election of town	Formatted: Font: Not Bold
1115	officers, or to the determination by the voters of any question to be submitted for such decision	
1116	by written ballots, shall be acted upon and determined by the voters in their respective precincts.	
1117	The regular town election shall be taken on official ballots without party or political designation	
1118	of any kind on the date fixed by by-law. The order in which names of candidates appear on the	
1119	official ballot at any town election shall be determined by a drawing by lot conducted by the	
1120 1121	town clerk. Each candidate shall be given the opportunity to be present, in person, or to be represented by a designee at the drawing. Each candidate for re-election shall have printed on the	
1121	official ballot, in addition to such candidates name and address, the words "candidate for re-	
1123	election".	
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1124	SECTION 7-2CHARTER CHANGES	Formatted: Font: 12 pt
1125	This charter may be replaced, revised or amended in accordance with any procedures made	Formatted: Font: Not Bold
1126	available under the state constitution and any statutes enacted to implement the said	
1127	constitutional provisions.	Formation to Foods 12 mb
1128	SECTION 7-3 SEVERABILITY	Formatted: Font: 12 pt  Formatted: Font: Not Bold
1129	The provisions of this charter are severable. If any provision of this charter is held invalid the	Formatted: FOIL: NOL BOID
1130	other provisions of this charter shall not be affected thereby. If the application of this charter or	
1131	any of its provisions to any person or circumstance is held invalid, the application of this charter	
1132	and its provisions to other persons and circumstances shall not be affected thereby.	
1100		Formatted: Font: 12 pt
1133	SECTION 7-4 SPECIFIC PROVISIONS TO PREVAIL	Formatted: Font: Not Bold
1134	To the extent that any specific provision of this charter shall conflict with any provision	
1135	expressed in general terms, the specific provisions shall prevail.	Formation to Foods 12 mb
1136	SECTION 7-5NUMBER AND GENDER	Formatted: Font: 12 pt
1137	Words importing the singular number may extend and be applied to several persons or things;	Formatted: Font: 12 pt
1137	words importing the plural number may include the singular; words importing the feminine	Formatted: Font: Not Bold
1139	gender shall include the masculine gender; words importing the masculine gender shall include	
1140	the feminine gender.	
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1141	SECTION 7-6 RULES AND REGULATIONS	Formatted: Font: Not Bold
1142	A copy of all rules and regulations adopted by any town agency shall be filed in the office of the	
1143	town clerk before any such rule or regulation shall become effective, and copies shall be made	
1144	available for review by any person who requests such information. No rule or regulation adopted	
1145	by any town agency shall become effective until 10 days following the date it has been so filed in	
1146	the office of the town clerk. Attested copies shall also be kept available in the public library of	
1147	the town of Lunenburg.	

## SECTION 7-7 PERIODIC REVIEW, CHARTER AND BY-LAWS

(a) Charter Review - At least once in every 10 years a special committee to consist of 9 members shall be established for the purpose of reviewing this charter and to make a report, with recommendations, to the town meeting concerning any proposed amendments which said committee may determine to be necessary or desirable. The committee shall consist of 9 members who shall be chosen as follows: the board of selectmen, the finance committee and the school committee shall each designate 2 persons, the planning board shall designate 1 person, and 2 persons shall be appointed by the town moderator. Persons appointed by the said agencies may, but need not, be members of the agency by which they are designated. The committee shall meet to organize forthwith following the final adjournment of the annual town meeting.

(b) By-Law Review - The board of selectmen shall at 5 year intervals, in each year ending in 5, or in 0, cause to be prepared by a special committee appointed for that purpose, a proposed revision or recodification of all by-laws of the town which shall be presented to the town meeting for reenactment at the annual town meeting in the year following the year in which the said committee is appointed. The by-law review committee shall consist of the town clerk who shall serve by virtue of office, 2 persons appointed by the town moderator and 2 persons appointed by the board of selectmen. The said committee in its final, or in an interim report, shall include recommendations for such substantive change in town by-laws as it deems necessary or advisable. The review of town by-laws shall be in conjunction with the town counsel, or, by special counsel retained for that purpose. Subsequent to enactment by the town meeting, copies of the revised by-laws shall be otherwise published, all as required by general laws. Copies of the revised by-laws shall be made available for distribution to the public at a charge not to exceed the actual cost, per copy, of reproduction.

## SECTION 7-8 PROCEDURES GOVERNING MULTIPLE MEMBER BODIES

(a) Meetings - All multiple member bodies shall meet regularly at such times and places within the town as they may by their own rules prescribe. Except in cases of emergency, special meetings of any multiple member body shall be held on the call of the respective chairperson or by one-third of the members thereof by suitable notice delivered to the residence or place of business of each member at least 48 hours in advance of the time set. A copy of the said notice shall also be posted on the town bulletin board in the manner provided by law. Special meetings of any multiple member body shall also be called within one week after the date of the filing with the town clerk of a petition signed by at least 50 voters and which states the purpose or purposes for which the meeting is to be called. Except as authorized by law, all meetings of all multiple member bodies shall be open and public. All meetings shall be held in places to which members of the public have a convenient right of access.

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1186 (b) Agendas - At least 24 hours before any meeting of a multiple member body is to be held, an 1187 agenda containing all items which are scheduled to come before the multiple member body at the meeting shall be posted on the town bulletin board. No action taken on a matter not included in 1188 the posted agenda shall be effective unless the multiple member body first adopts, by a separate 1189 vote, a resolution declaring that an emergency exists and that the particular matter must be acted 1190 1191 upon at that meeting for the immediate preservation of the peace, health, safety or convenience 1192 of the town. 1193 1194 (c) Rules and Journal - Each multiple member body shall determine its own rules and order of 1195 business unless otherwise provided by this charter or by law and shall provide for keeping a 1196 journal of its proceedings. These rules and journals shall be public records, and certified copies shall be kept available in the office of the town clerk. 1197 1198 (d) Voting - Except on procedural matters all votes of all multiple member bodies shall be taken 1199 by a call of the roll and the vote of each member shall be recorded in the journal, provided, 1200 1201 however, that if the vote is unanimous only that fact need be recorded. 1202 1203 (e) Quorum - A majority of the members of the multiple member body then in office shall 1204 constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules 1205 1206 of the multiple member body. No other action of the multiple member body shall be valid or 1207 binding unless ratified by the affirmative vote of the majority of the full multiple member body. 1208 (f) Filling of Vacancies - Whenever a vacancy shall occur in the membership of an appointed 1209 multiple member body, the remaining members shall forthwith give written notice of such 1210 vacancy to its appointing authority. If, at the expiration of 30 days following the delivery of such 1211 1212 notice to the appointing authority, said officer or multiple member body has not appointed some 1213 person to fill the vacancy, the remaining members of the multiple member body shall fill such 1214 vacancy for the remainder of any unexpired term by majority vote of the remaining members. 1215 1216 (g) Composition of Multiple Member Bodies - All multiple member bodies when established 1217 shall be composed of an odd number of members. Whenever the terms of office of a multiple 1218 member body are for more than 1 year such terms of office shall be so arranged that as nearly an 1219 equal number of terms as is possible will expire each year.

SECTION 7-9 REMOVALS AND SUSPENSIONS

Any appointed town officer, member of a multiple member body or employee of the town, not subject to the provisions of the state civil service law, or covered by the terms of a collective bargaining agreement which provides a different method, and whether appointed for a fixed or an indefinite term, may, for good cause, be suspended or removed from office, without compensation, by the officer or multiple member body which appoints such officers, members of multiple member bodies, or employees. The term cause shall include, but not be limited to the following: incapacity other than temporary illness, inefficiency, insubordination and conduct unbecoming the office. Any appointed officer, member of a multiple member body or employee of the town may be suspended from office by the officer or multiple member body which appoints such officers, members of multiple member bodies, or employees, if such action is deemed by said appointing authority to be necessary to protect the interests of the town. However, no suspension shall be for more than 15 days. Suspension may be conterminous with removal and shall not interfere with the rights of the officer or employee under the removal procedure given below. The appointing authority when removing any such officer, member of a multiple member body or employee of the town shall act in accordance with the following procedure:

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1238 (a) A written notice of the intent to remove and a statement of the cause or causes therefor shall 1239 be delivered in hand, or by certified mail, return receipt requested, to the last known address of 1240 the person sought to be removed.

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(b) Within five 5 days following delivery of such notice the officer, member of a multiple member body or employee of the town may request a public hearing at which such person may be represented by counsel, shall be entitled to present evidence, call witnesses and to question any witness appearing at the hearing.

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1255 1256 (c) Between one1 and ten10 days after the public hearing is adjourned, or if the officer, member of a multiple member body or employee of the town fails to request a public hearing between six6 and fiftee15n days after delivery of the notice of intent to remove, the appointing authority shall take final action, either removing the officer, member of a multiple member body or employee of the town or notifying such person that the notice is rescinded. Failure of the appointing authority to take any action within the time periods as stated in this section shall be deemed to be a recisionrescission of the original notice and the officer, member of a multiple member body or employee shall, forthwith, be reinstated. Nothing in this section shall be construed as granting a right to such a hearing when a person who has been appointed for a fixed term is not reappointed when a fixed term expires.

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#### SECTION 7-10 NOTICE OF VACANCIES

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Whenever a vacancy occurs in any town office, position or employment, or whenever by reason of a pending retirement or expiration of a fixed term a vacancy can be anticipated, the appointing authority shall forthwith cause public notice of such vacancy to be posted on the town bulletin board for not less than ten 10 days. Such notice shall contain a description of the duties of the office, position or employment and a listing of the necessary or desirable qualifications to fill the office, position or employment. No permanent appointment to fill such office, position or employment shall be effective until fourteen14 days following the date such notice was posted to permit reasonable consideration of all applicants. This section shall not apply to positions covered by the civil service law and rules or if in conflict with the provisions of any collective bargaining agreement.

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#### 1269 ARTICLE 8. TRANSITIONAL PROVISIONS. 1270

#### SECTION 8-1 CONTINUATION OF EXISTING LAWS.

All general laws, special laws, town by-laws, votes, rules and regulations of or pertaining to the town which are in force when the charter takes effect and which are not specifically or by implication repealed directly or indirectly hereby, shall continue in full force and effect until amended or rescinded by due course of law or until they expire by their own limitation.

#### **SECTION 8-2** CONTINUATION OF GOVERNMENT.

All town agencies shall continue to perform their duties until reappointed, reelected, or until successors to their respective positions are duly appointed or elected, or their duties have been transferred and assumed by another town agency in accordance with the provisions of this charter.

#### **SECTION 8-3** CONTINUATION OF ADMINISTRATIVE PERSONNEL.

Any person holding a town office, or a position in the administrative service of the town, or any person holding full time employment under the town, shall retain such office, or position, or employment, and shall continue to perform the duties of such office, position or employment until provision shall have been made for the performance of those duties by another person or agency; provided, however, no person in the permanent full time service of the town shall forfeit their pay grade, or time in the service of the town as a result of the adoption of this charter. All such persons shall be retained in a capacity as similar to the capacity in which they were serving at the time this charter is adopted as is practicable and any reduction in the personnel needs of the town shall be accomplished through a policy of attrition, unless specific provision is otherwise made in this article.

#### SECTION 8-4 TRANSFER OF RECORDS AND PROPERTY

1293 All records, property and equipment whatsoever of any office, department, or agency or part 1294 thereof, the powers and duties of which are assigned in whole or in part to another office or 1295 agency shall be transferred forthwith to the office, department or agency to which such powers 1296 and duties are assigned.

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1297 SECTION 8-5 TIME OF TAKING EFFECT 1298 The provisions of section 8-5 were provided in the report of the charter commission to make smooth the transition from the government that had been in effect prior to the form of 1299 government provided by the new charter. The provisions contained in section 8-5 were not 1300 1301 intended to be of permanent force and effect and have expired by their own limitation. To the 1302 extent that there is any doubt as to the continuing effect of any of the provisions of section 8-5 as contained in the report of the charter commission, all of provisions of the said section are hereby 1303 1304 repealed. 1305 1306 SECTION 2. This act shall take effect upon its passage. 1307

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